

the Pavo Co., together with a number of booklets entitled "Medicinal Value of Natural Foods," a number of leaflets entitled "Arthritic Pain Pavo Alfalfa May Be Your Answer," and a number of placards headed "Arthritic Pains? Alfalfa May Be Your Answer."

**RESULTS OF INVESTIGATION:** The articles were shipped in bulk containers from California, and upon their receipt by the Pavo Co., were in whole or in part repackaged and relabeled by the consignee. In the case of the *Alfa-Mint leaves*, investigation indicated that the consignee mixed some peppermint leaves with alfalfa leaves, but that the article was essentially alfalfa leaves flavored with peppermint. As to the above-mentioned printed matter, investigation disclosed that one copy of the booklet was on display in a showcase in the consignee's retail store and that other copies of the booklet were stored in cabinets in the retail store and in the consignee's wholesale branch. The leaflets were placed prominently at various places in the retail store where they could be seen readily and picked up by customers. The placards were displayed prominently in a show window and within the retail store.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned booklets, leaflets, and placards accompanying the articles were false and misleading. The statements represented and suggested that each of the articles was an adequate and effective treatment for arthritis, diabetes, tuberculosis, rheumatism, Bright's disease, toxemia, jaundice, neuralgia, insomnia, nervousness, syphilis, constipation, lumbago, hardening of the arteries, dropsy, prostatitis, anemia, skin eruptions, poor complexion, inflammation of the bladder, colds, fevers, and gonorrhea, and for building blood, providing sound teeth and bones, producing milk for nursing mothers, increasing assimilation, increasing appetite, and strengthening the digestive glands. None of the articles was an adequate and effective treatment for such diseases and conditions. The articles were misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 22, 1953. L. J. Audette, a partner in the Pavo Co., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling in compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

**4170. Misbranding of Lusalfa tonic. U. S. v. 30 Bottles, etc. (F. D. C. No. 35295. Sample No. 78943-L.)**

**LIBEL FILED:** June 4, 1953, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about April 24, 1953, by the Walton Laboratories, from Marengo, Ill.

**PRODUCT:** 30 8-ounce bottles of *Lusalfa tonic* at Louisville, Ky., together with a number of mimeographed leaflets headed "The Walton Laboratories Announce Lusalfa gets results in Diabetic Cases," "Gastric Physiology & Pathology," "Hydrochloric Acid And Vitamin B Complex Deficiency In Skin Disease," and "Diabetes Case Histories."

**RESULTS OF INVESTIGATION:** The labels which were on the bottles of the product when shipped were removed by the consignee. The label on a sample taken from a previous shipment stated that the article was prepared from natural young alfalfa with added papain, pepsin, oxgall, and hydrochloric acid.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned mimeographed leaflets which accompanied the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for diabetes, gas, insomnia, indigestion, ulcers resulting from hard drinking of ardent spirits, dyspepsia, pericardial pain, stomach trouble, liver malfunctioning, lack of pancreatic secretion, convulsions, chronic arthritis especially of the knees, coronary thrombosis, and cholecystitis; that it would provide all the amino acids, minerals, and vitamins essential to growth and nutrition; that it would help the unhealthy duodenum to properly break down food elements so that nutrition would be improved; and that it would aid the absorption of vitamins A and B complex. The article was not an adequate and effective treatment for such diseases and conditions, and it was not capable of fulfilling the promises of benefit made for it.

**DISPOSITION:** July 10, 1953. Default decree of condemnation and destruction.

**4171. Misbranding of Lumax and Adroxal. U. S. v. 288 Bottles, etc. (F. D. C. No. 35286. Sample Nos. 39519-L, 39995-L.)**

**LIBEL FILED:** July 20, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about May 12 and 15 and July 1, 1952, by Nyal Co., Inc., from Detroit, Mich.

**PRODUCT:** 288 1-pint bottles of *Lumax* and 72 1-pint bottles of *Adroxal* at Glendale, Calif.

**LABEL, IN PART:** (Bottle) "Nyal \* \* \* *Lumax* Brand Of Antacid Adsorbent Aluminum Hydroxide Gel in combination with Magnesium Trisilicate \* \* \* Indicated for the temporary relief of gastric hyperacidity and the symptoms of Peptic Ulcer" and "Clinic *Adroxal* Brand Of Antacid Adsorbent Aluminum Hydroxide Gel in combination with Magnesium Trisilicate \* \* \* Indicated for the temporary relief of gastric hyperacidity and the symptoms of Peptic Ulcer \* \* \* Jamieson Pharmacal Company Pharmaceutical Chemists Detroit, Michigan, U. S. A."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the bottle labels of the articles were false and misleading. The statements represented and suggested that the articles were an adequate and effective treatment for the symptoms of peptic ulcer, whereas the articles were not an adequate and effective treatment for such symptoms.

**DISPOSITION:** August 18, 1953. Default decree of condemnation and destruction.

**4172. Misbranding of vitamin capsules. U. S. v. 35 Bottles, etc. (F. D. C. No. 35343. Sample No. 50295-L.)**

**LIBEL FILED:** July 1, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 7, 1953, by the Park Drug Co., from New York, N. Y.

**PRODUCT:** 35 bottles of *vitamin capsules* at Newark, N. J., together with a number of leaflets which accompanied the product and which were entitled "Feel Weary Instead Of Wonderful? Feel Old Instead Of Young? The Sensational New *Red Vitamin—B<sub>12</sub>*—May Be Your Fountain Of Youth."

**LABEL, IN PART:** (Bottle) "100 Capsules Zinn's Vitamin B Complex With Liver, Folic Acid, Inositol, Choline And Vitamin B<sub>12</sub> with the Red Vitamin